IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3479 OF 2002

IN

SUIT NO.3983 OF 2002

Don Bosco Jude Crasto .. Plaintiff

Vs.

Carol T.Moraes And Anr. .. Defendants

Mr.C.S.Kapadia i/b Nandu Pawar for the plaintiff

Mr.V.T.Lulia for the defendant no.1

CORAM : S.U.KAMDAR, J
DATED : 25TH AUGUST, 2005

P.C.:

1. The learned counsel for the defendants makes a statement that he shall not disturb, the use and enjoyment of the 1st Floor premisses of the Bungalow which is with the plaintiff herein. In so far as compound is concerned, both parties are at liberty to use the same for car parking. However, defendant no.1 will also be entitled to use his premises for dispensary. In so far as prayer (b), (e), (f), (g) and (h) are concerned, the learned counsel for the plaintiffs does not press the same

because as far as dispensary is concerned it is already been constructed and the relief of injunction cannot be granted at this stage nor any orders can be passed for payment since defendant no.1 is also co-owner in respect of the said Bungalow.

2. With the aforesaid clarification, the learned counsel for the defendant also makes a statement that till the hearing and final disposal of the suit, he will not alienate, encumber or create third party right in respect of the estate of the deceased including the bungalow or part thereof. Motion disposed of accordingly.